



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

GRETCHEN WHITMER
GOVERNOR

ORLENE HAWKS
DIRECTOR

February 10, 2023

Nicholas Burnett
Flatrock Manor, Inc.
2360 Stonebridge Drive
Flint, MI 48532

RE: License #:	AS250398408
Investigation #:	2023A0872018
	Heatherwoode

Dear Mr. Burnett:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- How compliance with each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- How continuing compliance will be maintained once compliance is achieved.
- The signature of the responsible party and a date.

If you desire technical assistance in addressing these issues, please feel free to contact me. In any event, the corrective action plan is due within 15 days. Failure to submit an acceptable corrective action plan will result in disciplinary action.

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available, and you need to speak to someone immediately, please contact the local office at (517) 643-7960.

Sincerely,

A handwritten signature in black ink that reads "Susan Hutchinson". The signature is written in a cursive, flowing style.

Susan Hutchinson, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(989) 293-5222

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS
SPECIAL INVESTIGATION REPORT
THIS REPORT CONTAINS QUOTED PROFANITY**

I. IDENTIFYING INFORMATION

License #:	AS250398408
Investigation #:	2023A0872018
Complaint Receipt Date:	01/05/2023
Investigation Initiation Date:	01/05/2023
Report Due Date:	03/06/2023
Licensee Name:	Flatrock Manor, Inc.
Licensee Address:	7012 River Road Flushing, MI 48433
Licensee Telephone #:	(810) 964-1430
Administrator:	Morgan Yarkowsky
Licensee Designee:	Nicholas Burnett
Name of Facility:	Heatherwoode
Facility Address:	1115 Heatherwoode Rd Flint, MI 48532
Facility Telephone #:	(810) 877-6932
Original Issuance Date:	03/29/2019
License Status:	REGULAR
Effective Date:	09/29/2021
Expiration Date:	09/28/2023
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL

II. ALLEGATION(S)

	Violation Established?
In December 2022, 3 rd shift staff drew mustaches on the resident's faces as an Elf on the Shelf prank. Resident A was upset that staff entered her room without permission and was offended that staff made her the subject of a joke.	Yes

III. METHODOLOGY

01/05/2023	Special Investigation Intake 2023A0872018
01/05/2023	Special Investigation Initiated - On Site
01/09/2023	Contact - Document Received I exchanged emails with staff Natalie Skinner
01/17/2023	APS Referral I made an APS complaint via email
02/09/2023	Contact - Telephone call made I interviewed staff Sheri Williams
02/09/2023	Contact - Telephone call made I interviewed staff Monique Anthony
02/09/2023	Contact - Telephone call made I interviewed staff Evelyn Brooks
02/09/2023	Contact - Telephone call made I interviewed staff Sheleah Essett
02/09/2023	Contact - Telephone call made I interviewed staff Earicia Gladney
02/09/2023	Inspection Completed-BCAL Sub. Compliance
02/10/2023	Exit conference I conducted an exit conference with the licensee designee, Nicholas Burnett

ALLEGATION: In December 2022, 3rd shift staff drew mustaches on the resident's faces as an Elf on the Shelf prank. Resident A was upset that staff entered her room without permission and was offended that staff made her the subject of a joke.

INVESTIGATION: On 01/05/23, I conducted an unannounced onsite inspection of Heatherwoode Adult Foster Care facility. I interviewed Residents A-F.

Resident A did not want to talk to me. I met with her in her bedroom, and she said she did not want to talk about the incident that happened at Christmas with the Elf on the Shelf. Eventually, Resident A told me that yesterday, 01/04/23 she needed to use the bathroom but there were residents showering in both of the resident bathrooms. She told staff that she needed to use the bathroom and asked if she could use one of the two staff bathrooms. Resident A said that staff told her she cannot use the staff bathrooms and she needs to wait until one of the residents is done in the resident bathroom. Resident A told me that she could not wait, and she told staff that she could not wait. Staff would still not let her use the bathroom so she ended up urinating in the trash can in her bedroom. I asked Resident A if she ended up telling staff what she had done and she said, "Yeah, but they didn't care."

Resident B confirmed that around Christmas, they had an Elf on the Shelf. She said that one night, staff came in her room while she was sleeping and drew a mustache on her face. She did not know about it until the next morning when she woke up and saw it in the mirror. She said that staff told her the elf had done it and she thought it was funny. Resident B said that staff drew mustaches on all of them and some thought it was funny, and some did not. Resident B said that she was not upset or offended by the incident, and she took it as a joke.

Resident C confirmed that around Christmas, they had an Elf on the Shelf. Resident C said that since she stays up late, when staff came in her room, she was still awake. Resident C told me that staff "Earicia" told her that she was going to draw a mustache on her face as an Elf on the Shelf joke. Earicia told her not to wash the mustache off or Santa Claus would not come and visit her. Resident C said that she left the mustache on her face and the next morning, all the residents looked at each other and saw the mustaches. Resident C stated, "I was fine with it." She said that she was not offended by the incident.

Resident D confirmed that around Christmas, they had an Elf on the Shelf. Resident D confirmed that one night while she was sleeping, staff came in her room and drew a mustache on her face. She said that she did not know about it until the next day when they all woke up and saw mustaches on each other faces. Resident D said, "I didn't think it was funny. I was bothered by it." Resident D said that she did not want to make a big deal about it, so she did not say anything but said that she did not like what staff had done.

Resident E said that she does not remember much about the incident but confirmed that one night in December 2022, staff drew mustaches on their faces and told them at the Elf had done it. Resident E said nobody knew about it until the next morning, when they all looked at each other and saw the mustaches. Resident E said, "It was no big deal. It didn't make me feel sad or anything. It was just a joke."

Resident F confirmed that in December 2022, she was sleeping and when she woke up the next morning, she looked in the mirror and saw a mustache on her face. She said that the previous night, staff Earicia and Sheleah were working. Resident F told me, "I didn't think it was funny. I thought it was harassment." According to Resident F, she did not know about the mustache until she looked in the mirror the next morning and she said, "It made me feel like a boy."

According to Resident F, on a separate occasion, she went outside to smoke a cigarette after dinner. Staff Sheleah told her, "That's the last time." Resident F said that Sheleah "kept on about it" so Resident F said, "Quite bitching! You keep going on and on about it!" Resident F told me that Sheleah then said, "Excuse me? No, I wasn't bitch!"

Resident F told me that on another occasion approximately three weeks ago, she wanted to go outside to smoke a cigarette, but staff did not want her to because her hair was wet. Resident F said she told staff she would wait until later and staff Earicia said, "Don't tell me the exact time you're going, you bitch!" Resident F said that Earicia also called her a "whore" on another occasion. I asked Resident F if anyone else was present when these incidents occurred, and she said that she believes that Resident A overheard staff talk to her this way.

On 01/08/23, I spoke to the home manager, Natalie Skinner, via telephone. Ms. Skinner said that she is aware of the allegations and knows that recipient rights is investigating. According to Ms. Skinner, the Elf on the Shelf incident occurred on 12/14/22. She said that she was out of work due to Covid and when she came back to work on 12/19/22, she was contacted by a recipient rights officer who told her about the allegations. According to Ms. Skinner, the staff working that night were Earicia Gladney and Sheleah Essett. She said that as a result of this incident, Ms. Gladney and Ms. Essett were transferred to a different home. Ms. Skinner said that she was told that recipient rights did substantiate a dignity and respect violation against staff.

I reviewed the other allegations with Ms. Skinner, and she said that she was not aware that staff refused to allow Resident A to use the bathroom and she was not aware that staff allegedly cussed at Resident F. I asked Ms. Skinner about the facility's policy regarding the residents using the staff bathrooms and she said that to her knowledge, staff do allow the residents to use the staff bathrooms if necessary. Ms. Skinner agreed to send me information regarding staff who were working during these incidents.

On 01/24/23, I interviewed Resident A via telephone. Resident A agreed to talk to me about the Elf on the Shelf incident. According to Resident A, in December 2022 she was in bed sleeping. She woke up to find staff Earicia and Sheleah drawing a mustache on

her face. She said that she asked, "What are you doing in my room?" and staff responded "Nothing. I think it was Frank the Elf." Resident A said that she got up and looked in the mirror and saw that staff had drawn a mustache on her face. She said, "They did it to all of us. It wasn't funny."

I asked Resident A if she ever overheard any of the staff cuss at Resident F or any of the other residents or call them names and she said no. I specifically asked her if she ever overheard staff Earicia or Sheleah cuss at Resident F or call her names and she said, "No, I don't remember anything like that."

On 02/09/23, I interviewed staff Sheri Williams via telephone. She stated that she has worked at this facility for approximately three years, and she typically works 1st shift. Ms. Williams said that she is aware of the Elf on the Shelf incident but was not present when it occurred. She said that when she got to work that morning, three of the residents were awake and had already washed their faces. According to Ms. Williams, Residents B, C, and E woke up while she was working and when they saw their faces, they asked what had happened and then went and washed their faces. Ms. Williams said that the residents did not seem upset by the incident and nothing else was said.

Ms. Williams confirmed that she worked on 01/04/23 along with Monique Anthony and Evelyn Brooks. I asked her if Resident A was denied use of the bathroom and she said no. She confirmed that there are two resident bathrooms and two staff bathrooms but said that if the resident bathrooms are occupied and a resident needs to use the bathroom and cannot wait, staff will allow them to use one of the staff bathrooms. I asked her if Resident A said anything to her about being denied use of the bathroom. Ms. Williams said that at some point, Resident A told her that she had asked to use the bathroom and staff would not let her, so she filed a recipient rights complaint. Ms. Williams said that Resident A did not tell her the name of the staff and did not give her any other details of the incident.

On 02/09/23, I interviewed staff Monique Anthony via telephone. Ms. Anthony said that she has worked at this facility for approximately 1.5 years, and she typically works 1st shift. Ms. Anthony confirmed that staff and residents used the Elf on the Shelf over the holidays. According to Ms. Anthony, when she got to work one morning, 3rd shift staff told her that they had drawn mustaches on the residents' faces as an Elf on the Shelf prank. Ms. Anthony said that 3rd shift staff did not have any ill intent and none of the residents told her they were upset by what had happened. She said that by the time she got to work, all the residents had already washed their faces.

Ms. Anthony confirmed that she worked on 01/04/23 along with Sheri Williams and Evelyn Brooks. Ms. Anthony said that at no time was Resident A denied use of the bathroom. Ms. Anthony told me that if one of the residents has to use the bathroom and if the resident bathrooms are occupied, she allows the resident to use the staff bathroom. She said that she has never told any of the residents that they cannot use the bathroom.

On 02/09/23, I interviewed staff Evelyn Brooks via telephone. Ms. Brooks said that she has worked at this facility since September 2022, and she usually works 1st shift. Ms. Brooks confirmed that staff and residents used the Elf on the Shelf over the holidays. She said that when she got to work one morning, Resident F told her that staff had drawn mustaches on their faces, and she was upset about it. Ms. Brooks said that she did not see mustaches on any of the resident's faces and none of the other residents or staff talked to her about the incident.

Ms. Brooks confirmed that she worked 1st shift on 01/04/23. She said that Resident A never asked her to use the bathroom and said that she never denied Resident A or any of the other residents from using the bathroom. Ms. Brooks told me that if one of the residents needs to use the bathroom and both resident bathrooms are occupied, they will use one of the staff bathrooms.

On 02/09/23, I interviewed staff Sheleah Essett via telephone. Ms. Essett said that she worked at Flatrock Heatherwoode from May 2022 until January 2023, and she used to work 3rd shift. Ms. Essett confirmed that during the holidays, staff and residents were using Elf on the Shelf. They were running out of ideas, so staff Earicia Gladney suggested drawing on the residents faces. Ms. Essett said that Ms. Gladney brought the idea up to the residents and they all wanted to do it. Ms. Essett said that Ms. Gladney began drawing on their faces and each resident asked to have their face drawn on except for Resident F who was already asleep. According to Ms. Essett, the next morning she and Ms. Gladney helped the residents wash their faces and everything seemed fine. Ms. Essett said that she did not know any of the residents had a problem with it until she heard that a recipient rights complaint had been filed. Ms. Essett said that she and Ms. Gladney were not trying to be mean, and all the residents were happy during the incident.

I asked Ms. Essett if she has ever cussed at Resident F or called her names, and she said no. Ms. Essett said that Resident F gets very impatient when she wants to go outside and smoke and if staff does not respond to her immediately, she will get irate. Ms. Essett said that she has never treated any of the residents disrespectfully and she has never heard any of the other staff cuss at any of the residents or call them names.

On 02/09/23, I interviewed staff Earicia Gladney via telephone. Ms. Gladney said that she worked at Flatrock Hetherwoode for approximately one year. Ms. Gladney confirmed that around the holidays, staff and the residents were using the Elf on the Shelf. She said that she came up with the idea to have the elf paint mustaches on the resident faces to "throw off first shift" and all the residents thought it was a fun idea. According to Ms. Gladney, she asked all the residents for permission and offered to either draw mustaches on their faces or draw mustaches on a piece of paper for them to put on their face. All residents wanted the mustaches drawn on their faces, so she did. Ms. Gladney said that all the residents asked to participate, and she did not know it was a problem until she was later told that a recipient rights complaint was filed. Ms. Gladney told me that she was not being mean or disrespectful to the residents and again said that they all gave permission for the prank.

I asked Ms. Gladney if she ever cussed at Resident F or called her names, and she said no. Ms. Gladney said that she has never cussed at any of the residents or called any of the residents names. I asked Ms. Gladney if she ever heard any of the other staff cuss at or call any of the residents names and she said no. She said that she has never heard any of her coworkers be disrespectful to any of the residents.

On 02/10/23, I conducted an exit conference with the licensee designee, Nicholas Burnett. I discussed the results of my investigation and told him which rule violation I am substantiating. Mr. Burnett agreed to complete and submit a corrective action plan upon the receipt of my investigation report.

APPLICABLE RULE	
R 400.14305	Resident protection.
ANALYSIS:	(3) A resident shall be treated with dignity and his or her personal needs, including protection and safety, shall be attended to at all times in accordance with the provisions of the act.
	<p>Residents B, C, and E said that around the holidays, 3rd shift staff Earicia Gladney and Sheeleah Essett drew mustaches on their faces as an Elf on the Shelf prank and they were not upset or bothered by it.</p> <p>Residents A, D, and F confirmed that staff drew mustaches on their faces around the holidays as an Elf on the Shelf prank but said that they were offended and upset by the prank.</p> <p>Ms. Gladney and Ms. Essett confirmed that they drew mustaches on the residents faces as an Elf on the Shelf joke but said that all the residents gave verbal permission, and they were all fine with it.</p> <p>Resident A said that on 01/04/23, staff would not allow her to use the bathroom so she urinated in her trash can.</p> <p>Staff Sheri Williams, Monique Anthony, and Evelyn Brooks said that they worked on 01/04/23 and they never denied Resident A from using the bathroom.</p> <p>Resident F said that staff Earicia Gladney and Sheeleah Essett cussed at her and called her names on separate occasions.</p>

	<p>Staff Earicia Gladney and Sheeleah Essett denied ever cussing at Resident F or calling her names and denied ever cussing at any of the residents or calling them names.</p> <p>Resident A said that she never heard staff cuss at any of the residents or call them names.</p> <p>I conclude that the residents were not treated with dignity and respect during the Elf on the Shelf prank which is a direct violation of this rule.</p>
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon the receipt of an acceptable correction action plan, I recommend no change in the license status.

Susan Hutchinson

February 10, 2023

Susan Hutchinson Licensing Consultant	Date
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Approved By:

Mary Holton

February 10, 2023

Mary E. Holton Area Manager	Date
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